

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD VITRANO,

Petitioner,

v.

H.J. MARBERRY, Warden,
FCI McKean,

Respondent.

Civil Action No. 06-310 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on December 28, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on January 3, 2008 [9], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated, and on Respondent. Objections were filed by Petitioner on January 10, 2008 [11]. After de novo review of the petition and documents in the case, together with the Report and Recommendation, Petitioner's objections and Respondents response thereto, the following order is entered:

AND NOW, this 19th day of February, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DENIED. IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on January 3, 2008 [9], is adopted as the opinion of the Court.

IT IS FURTHER ORDERED, in light of the instant Memorandum Order being filed this date, that Petitioner's Motion to Expedite Fully Briefed Issue [10] is DENIED as moot.

s/ Sean J. McLaughlin

Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge